230. The method of claim ~~226~~ 245, wherein R contains 2 to 6 carbon atoms.

231. The method of claim ~~226~~ 245, the monocarboxylic acid is selected from the group consisting of caprylic, pelargonic, capric, undecanoic, lauric, myristic, palmitic, stearic, isostearic, and mixtures thereof.

232. The method of claim ~~226~~ 245, wherein the mercapto alkanol ester of a monocarboxylic acid is selected from the group consisting of mercapto ethyl stearate, 3-thio-glyceryl myristate, mercapto ethyl palmitate and mercapto ethyl myristate.

233. The method of claim ~~226~~ 245, wherein the vinyl halide resin is polyvinyl chloride.

REMARKS

Applicants respectfully request reconsideration of this application. Claims are now pending in this application. No claims have been allowed.

I. The Rejections

The Examiner has rejected claims 71, 72, 76, 79-86, 90, 93-103, 107, 110-120, 124, 127-135, 139 and 142-191 under 35 U.S.C. § 102(a) as allegedly being fully met by Japanese KoKai 56-2336 and Japanese KoKai 55-160,044.

The Examiner has rejected claims 71, 72, 76, 79-87, 90, 93-103, 107, 110-120, 124, 127-135, 139 and 142-191 under 35 U.S.C. § 102(b) as allegedly being fully met by Bresser et al. (984).

The Examiner has rejected claims 71-77, 85-91, 99-108, 115-125, 113-140, 148, 149, 156, 163-166, 172-176, 183, 184 and 191

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under 35 U.S.C. § 102(a) as allegedly being fully met by Kugele et al. (114).

Applicants gratefully acknowledge that the Examiner has withdrawn the rejections based upon Gough, Hechenbleikner and Wilson.

II. Claims 71-148

The Examiner has indicated that claims 78, 92, 109, 126 and 141 would be allowable if presented in independent form. Pursuant to this suggestion, Applicants have added new claims 192, 199, 208, 218 and 226 which represent the subject matter of originally presented claims 78, 92, 109, 126 and 141 written in independent form. Accordingly, these new claims are now in condition for allowance. In addition, new dependent claims 193-198, 200-207, 209-217, 219-225 and 227-233 have been added to further define the mercapto alkanol ester component set forth in the corresponding independent claims. Accordingly, these new claims also are now in condition for allowance.

The Examiner has not rejected claims 73, 74, 75, 77 and 78, which are dependent upon claim 71, over Japanese KoKai 56-2336, Japanese KoKai 55-160,044 or Bresser et al. (984). Furthermore, claims 78-84, which also depend upon claim 71, have not been rejected as anticipated by Kugele et al. (114). Therefore, Applicants have amended claim 71 to include the limitations set forth in dependent claims 73, 74, 75, 77 and 79.

None of the cited references teaches or suggests the claimed invention set forth in amended claim 71. Thus, Applicants submit that the rejections under 35 U.S.C. § 102(a)

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and (b) are improper as they pertain to amended claim 71 and should be withdrawn. Furthermore, claims 73, 74, 75, 77, 78 and 80-84 are similarly allowable as they depend from amended claim 71.

Independent claims 85, 102, 119 and 134 have been amended in a manner similar to that of claim 71. Claim 85 has been amended to include the limitations set forth in dependent claims 87, 88, 89, 91 and 93. Claim 102 has been amended to include the limitations set forth in dependent claims 104, 105, 106, 108 and 110. Claim 119 has been amended to include the limitations set forth in dependent claims 121, 122, 123, 125 and 127. Claim 134 has been amended to include the limitations set forth in dependent claims 136, 137, 138, 140 and 142.

Accordingly, independent claims 85, 102, 119 and 134 and dependent claims are patentable over the prior art, since none of the cited references, either alone or in combination, teach or suggest Applicants' invention as set forth in the cited claims as amended. Furthermore, claims 87-89, 91, 92, 94-101, 104-106, 108, 109, 111-118, 121-123, 125, 126, 128-133, 136-138, 140, 141 and 143-148, which depend from the cited claims, are similarly patentable over the prior art.

The above amendments to the claims have made in the interest of expediting prosecution of this application, and should not be construed as an admission that the rejections as applied to the originally presented claims 71-148 were proper. Indeed, Applicants continue to strongly maintain that claims 71-148, as originally filed, have an effective filing date of

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August 29, 1978 for the reasons set forth on pages 22-26 of the preliminary filed with this application on February 9, 1989.

II. Claims 149-191

The subject matter of claims 149-191 is similar to that of claims 71-148, with the difference being that in claims 149-191 at least one atom bonded to tin in the organotin is a halogen instead of sulfur.

Applicants maintain that the previously submitted declarations by Messrs. Foure, Mendelsohn, Chenard, Rakita and Larkin document that prior to December 12, 1980 experiments were conducted in the U.S. on Applicants' behalf in which mono- or diorganotin compounds wherein at least one atom bonded to tin is a halogen were used in combination with mercapto alkanol esters of monocarboxylic acid. Contrary to the Examiner's assertions, the Board did not dispute this showing.

In the decision of June 25, 1987, the Board followed a two tiered analysis in determining whether the above cited declarations successfully antedated the references cited against the rejected claims. The Board stated at page 6 of the decision that in order to effectively antedate references applicants must show priority with respect to (1) only so much of the **claim d** invention as the references disclose, In re Stempel, 44 CCPA 820, 241 F.2d 755, 113 USPQ 77 (1957), or (2) only so much as to render the **claimed** invention obvious. In re Spiller, 500 F.2d 1170, 182 USPQ 614 (CCPA 1971).

The Board held that the affidavit evidence presented showed only part of what the Japanese KoKai references showed, and

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therefor, did not effectively remove the references under the standard set forth in In re Stempel. The Board emphasized that "it is how much the references show of the **claimed** invention that is crucial to the requirement of what the affidavit must show."

It is important to note that cancelled claims 59-62 and 64-69 were the claims which the Board was analyzing in their decision. These claims specifically recited the organotin as being a mono- or diorgano- derivative of tetravalent tin wherein the remaining valences of the tin atom were satisfied by bonds to halogen, oxygen, phosphorous, sulfur and a residue resulting from i) the removal of the hydrogen atom from the oxygen atom of a carboxylic acid, an alcohol or a polyol or ii) removal of the hydrogen from the sulfur atom of a mercaptan, mercaptoacid, mercaptoalcohol. mercaptoacid ester or mercaptoalcohol ester. The Board's position was that the Japanese KoKai references showed more of the **claimed** compound than the affidavit evidence presented, and thus, the affidavit evidence failed to antedate the cited references.

However, claims 59-62 and 64-69 were cancelled upon filing of this continuation application, and new claims 149-191, which recite that the organotin compound is a mono- or diorganotin compound wherein at least one atom bounded to tin is a halogen, were added. Applying the Board's analysis, the affidavit evidence previously submitted does effectively remove the cited references as concerning the new claims 149-191 since the experiments conducted by Mr. Foure are clearly commensurate in

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scope with that which the cited references show of the now **claimed** invention.

Applicants respectfully submit that claims 149-191 are entitled to a date of invention prior to December 12, 1980 for the foregoing reasons. Accordingly, withdrawal of the standing rejections as they pertain to these claims is requested.

III. Interference

The Examiner has indicated that Applicants should copy claims from Kugele et al. (114) to provide for an interference. Applicants have amended the broadest claims so that the mercapto alkanol ester of a monocarboxylic acid is defined as being an ester of the formula

RCOOR'SH

wherein R is a linear or branched alkyl or alkenyl, aryl or aralkyl containing at least two carbon atoms; and R' designates a C_2 to C_{18} alkylene. Conversely, the corresponding component in the claims of Kugele et al. (114) is $HSR^{200}OOCR^{201}SH$. Therefore, Applicants submit that an interference is not necessary at this time.

CONCLUSION

In view of the foregoing remarks, the rejections under 35 U.S.C. § 102 have either been overcome or are improper and should be withdrawn. Accordingly this case is in condition for allowance and a Notice of Allowability covering claims 71, 73-75, 77, 78, 80-85, 87-89, 91, 92, 94-102, 104-106, 108, 109, 111-119, 121-123, 125, 126, 128-134, 136-138, 140, 141 and 143-233 is hereby requested.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 06-916. If a fee is required for an extension of time under 37 C.F.R. § 1.136, not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Date: April 5, 1990

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